REMARKS

The Office Action mailed December 9, 2004 has been carefully considered.

Specification

In response to the Examiner's request the text of the specification has been reviewed for consistency concerning the capitalization of trademarks and the accompaniment of generic terminology with each trademark. At the Examiner's convenience, Applicant respectfully requests a brief interview with the Examiner to facilitate addressing formal matters.

Claim Rejections 35 U.S.C. 112 and 35 U.S.C. 102

The Examiner rejected claim 15 as indefinite and claims 16-18 because they depend from indefinite claim 15. The Examiner also rejected claims 15-18 under 35 U.S.C. 102(b) as being anticipated by US PGPub 2002/0010216 A1. During a telephone conversation with the Examiner on March 16, 2005, Applicant agreed to cancel claims 15-18. Accordingly, please cancel claims 15-18 in their entirety without prejudice or disclaimer of the subject matter contained therein. It is believed that the cancellation of claims 15-18 is fully responsive to the Examiner's rejections under 35 U.S.C. 112 and 35 U.S.C. 102.

Claim Rejections 35 U.S.C. 103

The Examiner rejected claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over US 6,184,222 B1, in view of US PGPub 2002/0010216 A1. During a telephone conversation on March 15, 2005, the Examiner stated that he would contact Applicant following further review of the 35 U.S.C 103 rejection. After further consideration, in the March 16, 2005 telephone conversation the Examiner stated that the argument supporting the 35 U.S.C 103 rejection of

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method claims 1-14 is not tenable and withdrew the rejection of claims 1-14. Applicant is

appreciative of the Examiner's reconsideration of this rejection and would also like to thank

the Examiner for promptly following up with Applicant regarding the rejection.

To briefly summarize these conversations: Applicant maintained that method claims 1-14

are patentable in view of Hack, "The discoverer of a new use [of a known composition] must

protect his discovery by means of process or method claims and not product claims." In re Hack,

245 F.2d 246, 248. Applicant also proffered that US 6,184,222 B1 discloses a method that is

limited to treating a conduct disorder. Method claims 1-14 define an invention which is

unobvious over US 6,184,222 B1, in view of US PGPub 2002/0010216 A1, since these

references do not teach or suggest a method for treating sexual dysfunction with atomoxetine, nor

a method for treating the particular sexual dysfunction disorders also claimed. The Examiner

stated that the 103 argument is not tenable with regard to Applicant's method claims 1-14 and

withdrew the rejection.

Accordingly, the Examiner agreed that claims 1-14 are in condition for allowance with

regard to subject matter. It was further agreed that the Examiner would review claims 1-14

and the specification as to a matter of form following receipt of the amendments in Applicant's

formal response to the Office Action.

CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. At the

Examiner's convenience, Applicant respectfully requests an appointment for a brief interview

with the Examiner to discuss formal matters related to this application.

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In the interim, should the Examiner consider necessary or desirable any formal changes in the specification or claims, then it is respectfully asked that such changes be made by Examiner's amendment, if the Examiner feels this would facilitate passage of the case to issuance.
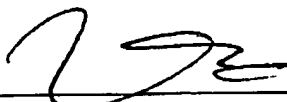

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office
_____ JORDAN A. ALTABET   4/5/05
Name   On This Date

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